

REMARKS

Claims 12-20 and 23-38 were presented for examination. Claims 12-20 and 23-38 were restricted as follows: species A, directed to a pneumatic adjustment system controlled by an operator; species B, directed to an adjustment system having a pneumatic power source and a selector switch; and species C, directed to an adjustment system that is automatically operated by a control device. Currently, Claims 12-17 and 23-38 are generic.

In response to the restriction requirement of the outstanding Office Action, Applicants elect with traverse species A, which corresponds to Claims 12-18 and 23-38. Applicants respectfully traverse the restriction with respect to species B and C.

There are two criteria for a proper requirement for restriction: (1) the inventions must be independent or distinct as claimed; and (2) there must be a serious burden on the examiner. A serious burden on the examiner may be *prima facie* shown if the examiner shows by appropriate explanation of separate classification, or separate status in the art, or a different field of search. See MPEP 803.

In the instant case, the outstanding Office Action merely identifies the species. Thus, the outstanding Office Action lacks an appropriate explanation of separate classification, or separate status in the art, or a different field of search. It is therefore respectfully submitted that the outstanding Office Action has failed to establish a *prima facie* case that examination of the species places a serious burden on the examiner.

If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions. See MPEP 803. It is respectfully submitted that searching the subject matter of species B and C, in addition to the elected species A, does not place a serious burden on the Examiner.

For the reasons set forth above, Applicants respectfully request withdrawal of the Requirement for Restriction with regard to species B and C.

In the event the restriction requirement is maintained, Applicants hereby cancel Claims 19-20 without prejudice.

In view of the above, it is respectfully submitted that the instant application is in a condition for examination. Such action is most earnestly solicited. If for any reason the Examiner feels that consultation with Applicants' attorney would be helpful in the advancement of the prosecution, he is invited to call the telephone number below for an interview.

If there are any charges due with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130.

Respectfully submitted,

By Edward L. McMahon
Edward L. McMahon
Reg. No. 44,927

Date: May 23, 2002
Customer No. 23412
Telephone: (203) 849-8266
Facsimile: (203) 849-8292